IN THE CLAIMS:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with strikethrough. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please CANCEL claims 18-21, 36-39 and 42-47, without prejudice or disclaimer, in accordance with the following:

1-8   (CANCELLED)

9.   (PREVIOUSLY PRESENTED) A drive comprising:

a pickup that writes data on or reads data from a loaded information storage medium; and

a controller that:

controls the pickup to write first state information, which specifies that an update cycle of a temporary defect management structure (TDMS) of the information storage medium is open, in an area of the information storage medium, the TDMS containing information regarding temporary defect management, and

controls the pickup to write second state information, which specifies that the TDMS update cycle is closed, in the area when updating of the TDMS is completed.

10.   (ORIGINAL) The drive of claim 9, wherein the controller controls the pickup to write the first state information in the area, in response to a command to open the TDMS update cycle.

11.   (PREVIOUSLY PRESENTED) The drive of claim 9, wherein the controller controls the pickup to write the first state information in the predetermined area in response to a command to write data on or to read data from the information storage medium.

12.   (PREVIOUSLY PRESENTED) The drive of claim 9, wherein the TDMS is updated to manage a defect when data is one of written to and read from the information storage medium.

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13.   (ORIGINAL) The drive of claim 9, wherein the controller controls the pickup to write the second state information in the area in response to a command to eject the information storage medium.

14.   (ORIGINAL) The drive of claim 9, wherein the controller controls the pickup to write the second state information in the area in response to a command to close the TDMS update cycle.

15.   (ORIGINAL) The drive of claim 9, wherein the controller writes the first or second state information to be included in the TDMS during the updating of the TDMS.

16.   (ORIGINAL) The drive of claim 9, wherein the TDMS contains a temporary defect management information (TDDS) and a temporary defect list (TDFL), and wherein the controller writes the first or the second state information to be included in the TDDS.

17.   (ORIGINAL) The drive of claim 9, wherein the area is a temporary defect management area (TDMA) in which the TDMS is written.

18.-28. (CANCELLED)

29.   (PREVIOUSLY PRESENTED) A drive comprising:
a pickup that writes data to or reads data from an information storage medium; and
a controller that:
controls the pickup to write first state information, which specifies that an update cycle of information for defect management is open, in an area of the information storage medium, and
controls the pickup to write second state information, which specifies that the update cycle of the information is closed, in the area when updating of the information is completed, wherein the information is updated to manage a defect when data is one of written to and read from the information storage medium.

30-47. (CANCELLED)

48.   (PREVIOUSLY PRESENTED) A drive comprising:
a pickup that writes data to or reads data from an information storage medium; and
a controller that controls the pickup to read state information that specifies whether an

update cycle of information for defect management is open or closed, from an area of the information storage medium, wherein:

the drive determines that the information is up-to-date where the update cycle is closed and that the information is not up-to-date where the update cycle is open, and

the information is updated to manage a defect when data is one of written to and read from the information storage medium.

49.　(PREVIOUSLY PRESENTED) The drive of claim 48, wherein the controller controls the pickup to read lastly recorded state information of the information for defect management.

50.　(PREVIOUSLY PRESENTED) An apparatus for managing a defect for an information storage medium in which a temporary defect management information (TDDS) including information on update state of a temporary defect management structure (TDMS) is recorded, comprising:

a pickup that reads from loaded information storage medium the temporary defect management information (TDDS) including the information on update state of a temporary defect management structure (TDMS); and

a controller that determines that updating of the TDMS is not completed, when the TDDS includes information that specifies that update state of the TDMS is "opened".

51.　(PREVIOUSLY PRESENTED) The apparatus of claim 50, wherein the information on update state of a temporary defect management structure (TDMS) is specified as "opened" or "closed".

52.　(PREVIOUSLY PRESENTED) An information storage medium comprising a lead-in area, a data area, and a lead-out area, comprising:

a temporary defect management information (TDDS) including information on update state of a temporary defect management structure (TDMS) is arranged in at least one of the lead-in area, the data area, and the lead-out area, and

wherein the information specifying that update state of the TDMS is "opened", represents that updating of the TDMS is not completed, and the information specifying that update state of the TDMS is "closed", represents that updating of the TDMS is completed.

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